

From: [David Choate](#)
To: [James Turner/R6/USEPA/US@EPA](#)
cc: [Jamie Bradsher/R6/USEPA/US@EPA](#); [Mark Peycke/R6/USEPA/US@EPA](#)
Subject: RE: Norphlet Chemical, Inc. and Tulstar
Date: 04/28/2009 04:22 PM

Jim,

I apologize; the reference to February 2006 in my email below was a typo. I am sorry for the confusion. We were looking for an agreement from February 2005 - not 2006. I will forward your requests to my clients, and we will be back in touch. Thank you.

- David

From: Turner.James@epamail.epa.gov [mailto:Turner.James@epamail.epa.gov]
Sent: Tuesday, April 28, 2009 4:12 PM
To: David Choate
Cc: Bradsher.Jamie@epamail.epa.gov; Peycke.Mark@epamail.epa.gov
Subject: Re: Norphlet Chemical, Inc. and Tulstar

David, in the legal memo of Robert Dougherty for Tulstar in reply to your Aceto analysis memo, Dougherty mentions a contract dated February 24, 2005, not 2006. This is over 9 months prior to the contract and security agreement of which we have a copy and which purports to involve the same subject matter. I have not seen such a contract with that date, and apparently neither you, nor the AEDC folks, have seen one either. Informally, I would appreciate your (or AEDC) furnishing us with a clean copy of the tolling agreement and security agreement, along with additional documentary or potentially testimonial evidence of which you or AEDC may be aware that illuminates the negotiations and transactions involving the tolling agreement contract to produce HFC-134a at the NCI Facility, especially information that tends to show that Tulstar Products, Inc. (and its CEO Mark Nagle) were actually the party involved in these matters.

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Norphlet Chemical, Inc. and Tulstar

David Choate to: James Turner 04/24/2009 10:46 AM

Cc: Jim Clark, "'Nevala, David'", "Scoggins, Bryan"

Jim,

Following our telephone conversation yesterday, I contacted my clients at the Arkansas Economic Development Commission regarding the February 2006 agreement referenced by Tulstar's attorneys. AEDC is not aware of a February 2006 agreement; however, they were able to locate three other documents which Tulstar executed in relation to the tolling arrangement. These documents are attached to this email for your review. If I can be of any assistance to you in the future, please let me know. Thank you, and have a good weekend.

- David

David E. Choate

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Thank you.

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*****[attachment "Letter of Intent 9-17-04 and Amendment to Contract 12-13-05.pdf" deleted by James Turner/R6/USEPA/US] [attachment "Take or Pay Contract - Garrison and Tulstar - 1-20-05.pdf" deleted by James Turner/R6/USEPA/US]